

SCHENCK, PRICE, SMITH & KING, LLP

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Attorneys for Defendant,

Athas Healthcare, LLC, d/b/a North American Spine

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CARMELO JOHN GIUFFRE

Plaintiff,

v.

NORTH AMERICAN SPINE, LLC;
DAMON J. NOTO, MD; SPINE & JOINT
CENTER; HACKENSACK SURGERY
CENTER, LLC; LIBERTY SPINE & PAIN,
LLC; DOUG JOHNSON, PA; S&D
SURGICAL SYSTEMS, INC.; WILLIAM
L. HIGH, MD, PHD; JOHN S. HOLT,
CNIM, R EDT, R EPT; ADAM MARTIN;
JOHN DOE, MD 1-10; JANE DOE, MD 1-
10; JOHN DOE, RN 1-10; JANE DOE, RN
1-10; JOHN DOE 1-10; JANE DOE 1-10;
JOHN DOE CORP. 1-10, fictitious names

Defendants.

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

Civil Action No. 16-01641 (MCA-LDW)

District Judge Madeline Cox Arleo

Magistrate Leda Dunn Wettre

**NOTICE OF MOTION TO STAY
PROCEEDINGS AND DISCOVERY**

Document Filed Electronically

TO: CLERK OF THE COURT

PLEASE TAKE NOTICE that Scott A. Leaman of Schenck, Price, Smith & King, LLP on behalf of defendant Athas Healthcare, LLC, d/b/a North American Spine, will move before the Honorable Madeline Cox Arleo, U.S.D.J., on October 17, 2016, in the United States Courthouse, Newark, New Jersey, pursuant to 9 U.S.C. § 3, for an Order to Stay the Proceedings and Discovery with respect to all claims made against defendant Athas Healthcare, d/b/a North American Spine.

In support of its motion, Athas Healthcare, d/b/a North American Spine, will rely upon the attached brief, any reply papers in support thereof, and oral argument, if any.

A proposed form of Order is attached hereto.

SCHENCK, PRICE, SMITH & KING, LLP
Attorneys for Defendant, Athas Healthcare, LLC, d/b/a
North American Spine

By: s/ Scott A. Leaman
Scott A. Leaman, Esq.

Dated: September 23, 2016

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CARMELO JOHN GIUFFRE

Plaintiff,

v.

NORTH AMERICAN SPINE, LLC;
DAMON J. NOTO, MD; SPINE & JOINT
CENTER; HACKENSACK SURGERY
CENTER, LLC; LIBERTY SPINE & PAIN,
LLC; DOUG JOHNSON, PA; S&D
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Defendants.

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

Civil Action No. 16-01641 (MCA-LDW)

**ORDER STAYING DISCOVERY OF ALL
CLAIMS AGAINST DEFENDANT ATHAS
HEALTHCARE, LLC d/b/a NORTH
AMERICAN SPINE**

THIS MATTER having been opened to the Court on the motion of Schenck, Price, Smith & King, LLP, attorneys for defendant Athas Healthcare LLC, d/b/a North American Spine, for an Order staying discovery, of all claims and proceedings asserted against defendant Athas Healthcare, and staying proceedings as to Athas Healthcare as a defendant; and the Court having reviewed all submissions of the parties, and having entertained oral argument; and for good cause shown;

IT IS, on this _____ day of _____, 2016, hereby;

ORDERED that all claims asserted by Plaintiff, Carmelo John Giuffre, against defendant Athas Healthcare, LLC in the Amended Complaint, are stayed pursuant to the arbitration agreement and 9 U.S.C. § 3; and it is further

ORDERED that this stay of discovery shall remain in effect until such time as another court order vacates or amends this order; and it is further

ORDERED that this court shall retain jurisdiction of all other claims in the above-captioned matter, and discovery shall proceed with respect to those claims, except those directed at defendant Athas Healthcare, LLC; and it is further

ORDERED that nothing in this order shall bar defendant Athas Healthcare, LLC from seeking an order to compel arbitration in the U.S. District Court for Northern District of Texas pursuant to 9 U.S.C. § 4; and it is further

ORDERED that nothing in this order limits any party's right to pursue a resolution of claims in arbitration.

HON. MADELINE COX ARLEO, U.S.D.J.

LENA DUNN WETTRE, U.S.M.J.